

**(2020) 03 J&K CK 0022**

**Jammu And Kashmir High Court**

**Case No:** Writ Petition (C) No. 815 Of 2020, CM No. 1968 Of 2020

Kamlesh Kumari

APPELLANT

Vs

Union Territory Of J&K And  
Others

RESPONDENT

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**Date of Decision:** March 13, 2020

**Hon'ble Judges:** Sanjeev Kumar, J

**Bench:** Single Bench

**Advocate:** Nitin Bhasin

**Final Decision:** Disposed Off

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**Judgement**

1. In this petition, the petitioner, who is a Matriculate Nursing Orderly having qualified one year diploma course in Dawasaz training, seeks a direction to the respondent Nos. 1 to 3 to promote her to the post of Jr. Pharmacist with effect from the date she has acquired eligibility with all consequential benefits.

2. Learned counsel for the petitioner, at the outset, submits that three other colleagues of the petitioner, who are similarly situated, came to this Court by way of filing writ petition bearing SWP No. 2082/2018, which was disposed of by this Court after hearing both the sides and a direction was issued to respondent No. 2 to convene DPC at the earliest to consider the cases of all eligible Nursing Orderlies/Class-IV employees including the petitioners for the post of Jr. Pharmacist.

3. In the aforesaid judgment passed on 29.01.2020, this Court further provided that consideration of the petitioners in the aforesaid writ petition and

other eligible candidates would be against the three posts of Jr. Pharmacists presently lying vacant in the District Cadre, Jammu, and if need be by

withdrawing four posts of Jr. Pharmacists from J&K Services Selection Board. This Court further provided that in case request is made by

respondent No. 2 to the J&K Services Selection Board for release of four posts of Junior Pharmacists, which admittedly, belong to promotional quota,

the J&K Services Selection Board shall do the needful.

4. Learned counsel for the petitioner submits that the case of the petitioner is similarly situated and the judgment aforesaid applies to the petitioner on

all fours.

5. Having heard learned counsel for the petitioner and perused the record, I am of the view that the petitioner, who is similarly situated with the

petitioners in SWP No. 2082/2018, is entitled to the relief as has been granted by this Court to the petitioners in SWP No. 2082/2018.

6. Accordingly, this petition is disposed of by providing that the DPC shall be convened by respondent No. 2, in terms of judgment dated 29.01.2020.

The petitioners, if eligible, shall be considered along with other eligible Nursing Orderlies (Class-IV) for promotion to the available post of Jr.

Pharmacists and other directions contained in the judgment dated 29.01.2020 shall also be applicable to the case of the petitioner. Let respondent No.

2 complete the whole exercise, as directed by this Court, vide judgment dated 29.01.2020 within the stipulated period.

7. Needless to say that the consideration of the petitioner, if eligible, along with other eligible candidates shall be against the available post of Jr.

Pharmacists and in case such posts are not available, four posts which have been referred to the Service Selection Board shall be withdrawn.

8. Disposed of as above.